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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/832,070	04/10/2001	David Stephen Brown	TH-1848 (US)	8714	
7	590 03/24/2003				
Jennifer D. Adamson			EXAMINER		
Shell Oil Company Legal - Intellectual Property			PASTERCZYK, JAMES W		
P.O. Box 2463 Houston, TX		•	ART UNIT	PAPER NUMBER	
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DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/832,070

Applicant(s)

Brown et al.

Examiner

J. Pasterczyk

Art Unit 1755

If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 11 Notice of Preftsperson's Patent Drawing Review (PTO-948) 51 Notice of Informal Petent Application (PTO-152)	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE MAILING DATE OF THIS COMMUNICATION. Extraction of time may be available with the provision of 276 Rt 1.38 (a). In no event, however, may a neply be trinsly filed after SIX (6) MONTHS from the mailing date of this communication. If the private for specified above, the set here here) (2015 (a)m. a nety within the setuctory informer of theiry (30) days with a considerative, the mailing date of this communication. Falure to right within the set or actoridad period for right will, by statistic, cases the application to become ABANDONED (35 U.S.C. § 133). Any may increased by the Office later than them merills date the mailing date of this communication, even if threy filed, may reduce very seame plant term ediplarment. See 37 CFR 1.704(b). STATUS This action is FINAL. 2b)\(\times\) This action is finAL. 2b)\(\times\) This action is non-final. 3 \(\times\) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4 \(\times\) Claim(s) 1-32 si/are pending in the application. 5 \(\times\) Claim(s) si/are withdrawn from consideration. si/are allowed. si/a				_				
meliting date of this communication. If the period for each year-grief advove is less than thirty (20) days, a reply within the relativory nature of thirty (30) days will be considered this. If No period for each year-grief advove. The maintainer structory produced larger year will always and	THE MAILING DATE OF THIS COMMUNICATION.							
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1) Responsive to communication(s) filed on Feb 20, 2003 2a	 If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any 							
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Application Papers 9	7) 🗆	Claim(s)			is/are objected to.			
Application Papers 9	8) 🗆	Claims	are	subject	to restriction and/or election requirement.			
The drawing(s) filed onis/are a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on					•			
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3) X Information Disclosure Statement(s) (PTO-1449) Paper No(s)								

Application/Control Number: 09/832070

Art Unit: 1755

- 1. This Office action is in response to the IDS and RCE filed 2/20/03.
- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xue, Applied Chemistry, vol. 14, no. 3, pp. 99-101, 1997 (translation) (hereafter referred to as Xue).

Xue discloses the invention substantially as claimed (translation p. 1, paragraphs 3-4 for the nickel compound, the borohydride, the benzoic acid ligand, the water soluble base being N,N-dimethylacetamide; table 2, no. 3 which from the original Chinese paper is triphenyl phosphite).

Xue lacks clear disclosure that all these reagents are added together in a polar organic solvent.

However, the choice of a polar organic solvent would have been conventional to one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art to apply that skill to the disclosure of Xue with a reasonable expectation of obtaining a highly-useful catalyst, method of making it, and olefin oligomerization process using it with the expected benefit of the catalyst providing lower carbon number oligomers.

Page 3 Application/Control Number: 09/832070

Art Unit: 1755

4. The Xue reference had already been made of record as its abstract only, with no

mention therein of the presence of the N,N-dimethylacetamide water-soluble base. Hence the

current rejection is considered to be necessary.

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Pasterczyk whose telephone number is (703) 308-3497. The

examiner can normally be reached on M-F from 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Mark Bell, can be reached on (703) 308-3823. The fax phone number for the organization where

this application or proceeding is assigned is (703) 872-9310 for normal faxes, 872-9311 for after

final faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-0661.

J. Pasterczyk

3/20/03